

MICHAEL DAVID SILLS
and MARY SILLS,

V.

Defendants.

JURY TRIAL DEMANDED

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David Sills,” citing their own Complaint. Motion at 1. Yet, sadly, the findings of abuse by Mr. Sills are not “false,” but have been true. Nevertheless, Plaintiffs continue to bristle at any questioning of the narrative they put before the public in the “false and very public allegations” of their Complaint. Plaintiffs now wish to cloak in secrecy the judicial process they themselves initiated in attempt to discredit the internal church investigation that the Defendant Guidepost Solutions conducted.

The protective order Plaintiffs seek is an overly broad, blanket protective order that would be subject to abuse and over-designating. In Plaintiffs’ Responses to Interrogatories propounded by two different Defendants, Plaintiffs have designated every page containing a response as “confidential” or “highly confidential.”¹

Plaintiffs have not made the showing necessary to obtain such a broad protective order. If a protective order relates to the discovery stage, a district court may enter a protective order limiting the use of discovery materials upon a showing of “good cause.” Fed. R. Civ. P. 26(c). If the protective order seeks to keep trial materials and pleadings filed with the Court secret or under seal, the burden of overcoming the presumption of openness of such records is much greater. *E.g., Brown & Williamson Tobacco Corp. v. F.T.C.*, 710 F.2d 1165 (6th Cir. 1983); *In re Knoxville News-Sentinel Co.*, 723 F. 2d 470 (6th Cir. 1983). By its terms, Plaintiffs’ proposed Protective Order does not apply to the discovery phase only, but rather states that it includes the “trial of this case.” Proposed Order at 1. Plaintiffs have not shown “good cause” for their proposed restrictions on disclosure and certainly have not met the heavy burden for sealing judicial records beyond the discovery stage.

¹ Because such discovery responses are not filed and because of Plaintiffs’ claim of confidentiality filed, Defendant Lyell has not filed those responses as exhibits to this pleading, but can do so as a late exhibit if Plaintiffs deny this statement regarding their blanket confidentiality designations to date.

Defendant Lyell supports a limited protective order that would protect sensitive personal information such as telephone numbers, addresses, email addresses, social security numbers, names of employers, medical records, and private banking information. Lyell would not oppose a protective order that would protect the identity of non-party witnesses with knowledge of Mr. Sills' conduct with other persons and his reputation, which he claims was damaged by the Defendant Southern Baptist Convention's investigation and the Defendant Guidepost Solutions LLC's report.

Defendant Lyell respectfully asks that this Court not enter the Plaintiffs' proposed broad protective order at this time. If discovery is allowed to proceed, Defendant Lyell asks the Court to enter a more specifically tailored protective order to govern discovery in this matter, along the lines set forth in the preceding paragraph, or to simply direct the parties to seek agreement, or the Court's guidance if agreement cannot be reached, as to the need for confidentiality of specific items of information as the issue may arise.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of March, 2024, the foregoing was served via the court's electronic filing system and/or by email on the following counsel of record:

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